

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID GUMBETTER,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF  
AMERICA,

Defendant.

CIVIL CASE NO. 04-40328

HONORABLE PAUL V. GADOLA  
U.S. DISTRICT JUDGE

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**

Before the Court is Plaintiff's motion for leave to file a first amended complaint and the Report and Recommendation of the Honorable Mona K. Majzoub, United States Magistrate Judge. The Magistrate Judge recommends that this Court deny as futile Plaintiff's motion for leave to amend. The Magistrate Judge filed the report and recommendation on April 26, 2005 and notified all the parties that any objections must be filed within ten days of service. Neither party has filed objections to the report and recommendation.

The Court's standard of review for a Magistrate Judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. See Lardie v. Birkett, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002)

(Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." Thomas v. Arn, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the report and recommendation, the Court need not conduct a review.

**ACCORDINGLY, IT IS HEREBY ORDERED** that the report and recommendation [docket entry 18] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that Plaintiff's motion for leave to file an amended complaint [docket entry 9] is **DENIED**.

**SO ORDERED.**

Dated: May 17, 2005

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on May 17, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Patrick J. Derkacz; Stephen L. Witenoff, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

\_\_\_\_\_.

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(810) 341-7845